

REMARKS

Amendments to the Title

The title has been amended to correct clerical mistakes. No new matter has been added.

Request for Initialed Forms PTO/SB/08A and PTO/SB/08B

On January 29, 2007, Applicants submitted an Information Disclosure Statement (4 pages) ("IDS") including Forms PTO/SB/08A and PTO/SB/08B (7 pages) and 14 references. (A copy is attached hereto as Exhibit A). In an Office Communication dated February 14, 2007, the Examiner did not initial Forms PTO/SB/08A and PTO/SB/08B because copies of the documents were not submitted. Specifically, the Examiner stated in the Office Communication that three foreign patent documents (Cite Nos. 20, 21 and 22) and 19 non patent literature documents (Cite Nos. 91 - 109) were not initialed because they were not received. As stated in the IDS, copies of those references were not supplied because they need not be submitted according to 37 C.F.R. 1.98(a)(2)(i) and 1.98(d).

In the telephonic discussion with Examiner Channavajjala on May 4, 2007, the Examiner confirmed that Cite Nos. 20, 21 and 22 and Cite Nos. 91 - 109 were not initialed because copies of the references were not submitted. Moreover, the Examiner states that the Japanese references require English translations. Applicants respectfully point out that the references were properly cited in one or more parent applications for which priority has been claimed and for which the relevant IDS in the parent case(s) complied with the requirements of 37 C.F.R. 1.98(a)-(c). Therefore, Applicants respectfully submit that copies of the references do not need to be submitted in order for the IDS to receive initialization pursuant to 37 CFR 1.98(d). Regarding the foreign patent documents, Applicants point out that they likewise do not need submission of copies since they were properly cited and considered in the parent case(s). Moreover, 37 CFR 1.98(a)(3)(ii) only specifies a requirement to provide a translation if an English language version is within the possession, custody, or control of Applicants, which is not the case. Therefore, Applicants respectfully request that the Examiner initial Cite Nos. 20, 21 and 22 and Cite Nos. 91 - 109 on the IDS document submitted on January 29, 2007. To the extent the Examiner still wishes to have a copy of the references sent to him, we request that he directly contact the undersigned, and Applicants will provide a courtesy copy of the references.

For the reasons described above, the references not initialed by the Examiner in the IDS do not need to be provided to the Office and should be initialed. Applicants respectfully request that the Examiner initial the filed Forms PTO/SB/08A and PTO/SB/08B. Applicants wish to thank the Examiner and await for the initialized IDS forms.

CONCLUSION

If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number 7035742001. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number 7035742001.

Respectfully submitted,

BINGHAM McCUTCHEN LLP



Jasper Kwoh
Reg. No. 54,921

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Three Embarcadero Center
San Francisco, California 94111
Telephone: (650) 849-4820
Facsimile: (650) 849-4800